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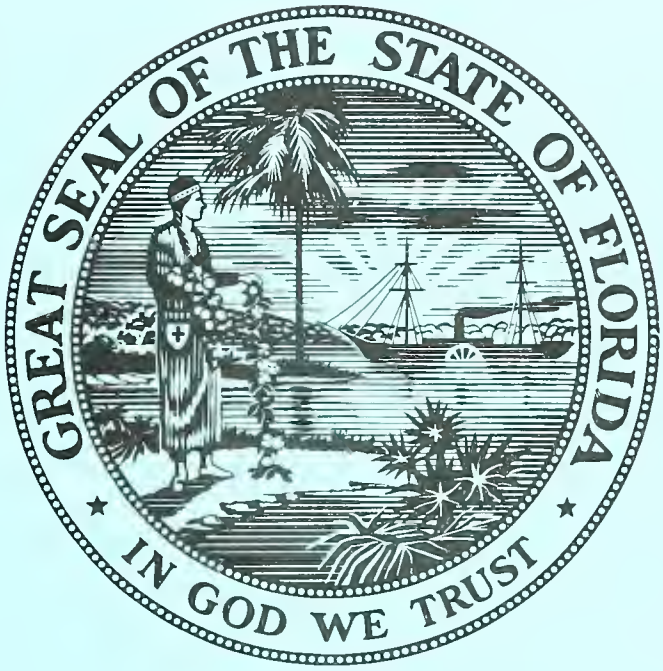

MESSAGE ON CRIME

TO THE

FLORIDA LEGISLATURE

BY

GOVERNOR CLAUDE R. KIRK, JR.

MAY 3, 1967

University of Florida
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CLAUDE R. KIRK, JR.
GOVERNOR

STATE OF FLORIDA

OFFICE OF THE GOVERNOR
TALLAHASSEE

May 3, 1967

Honorable Verle Pope
President, The Florida Senate

Honorable Ralph Turlington
Speaker, The Florida House of Representatives

Distinguished Members of the Florida Legislature:

I transmit to you herewith my Message on Crime together with proposed legislation to create a Department of Criminal Justice under the Governor's Office. This bill is the major element in equipping Florida to win our War on Crime. I shall shortly submit to the Legislature the additional legislation outlined in my Message to supplement this bill and complete our crime-fighting program.

This proposed bill has been carefully drawn to provide our state government -- for the first time in Florida's history -- with the state wide crime-fighting tools we have never had, but so urgently need to halt the growing menace of crime that threatens the safety of our citizens on the streets and in their homes. It was written only after lengthy consultation with highly qualified individuals and extensive research of authoritative information bearing upon the entire area of the administration of criminal justice.

The Department of Criminal Justice will equip our state government with the leadership capacity and coordinated capability required for a truly effective fight on crime. It is of special significance, however, that the Department will devote equal consideration to protecting the total rights of all citizens; they must never be placed in any degree of jeopardy whatsoever.

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But the eradication of crime as a menace involves more than merely apprehending offenders after the fact. It calls for major efforts in the areas of crime prevention and effective rehabilitation of those who have broken the laws of our society. You will find the bill devotes significant attention to these important fields of action.

Senator Shevin has introduced a separate bill calling for the creation of a Florida Commission of Inquiry. This is a different and laudable concept which I strongly commend to your favorable attention. Based on nine years of experience by the similar New York State Commission of Investigation, that bill would establish a high level, small investigative body of great competence. It should be above reproach -- and both bi-partisan and non-partisan -- in appointment, concern and action.

That Commission would have state wide jurisdiction with powers of subpoena and to hold public and private hearings. It would address itself to many crime problems now unexplored, such as organized crime, public corruption, needed reforms, where hard-hitting, factual investigation is a preliminary step to action, and multi-jurisdictional crime problems. Even more important, it would provide a means and forum for informing the public of criminal justice administration throughout Florida. As such, it would provide an important check and balance against excesses of power or action by any official. In law enforcement, this is a significant achievement.

I know that this message and these proposed bills will receive your full attention. Enactment of these bills will mark a significant step forward in Florida's internal health and in our national stature as we continue to demonstrate national leadership -- and they will serve as a landmark of effective cooperation between the executive and legislative branches of our state government.

Sincerely,

Governor

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May 3, 1967

The true measure of state government is found in weighing its performance against the recurring cycle of challenge and response. In its long history, Florida's state government has been confronted with many challenges of many kinds. The way in which our government has responded to these challenges has created the pattern by which we live in Florida today.

Now we are faced with a challenge different than any we have ever faced before and perhaps more serious than any in our recent past. How we respond to this challenge will be a measure of our maturity and of our understanding of the responsibilities of state government at this moment in time.

The challenge we now face is the contempt of the law-breaker for the law-abider. Whether it involves organized crime, operating on a nationwide basis, or a single act of violence, the challenge to organized society is the same. In an era when the refinements and techniques of civilization have attained a mechanical perfection beyond any levels previously achieved, we are faced with a degree of lawlessness that extends across all the strata of our society and threatens not only the physical well-being of our citizens, but threatens also the peaceful security which each of us is entitled to enjoy.

In a democratic society, the citizen speaks through his vote. By their ballots in November and in March, our citizens have told us that they are determined to eradicate the evil menace of crime -- and that they expect our state government to demonstrate its capability to serve effectively to this end.

In his long and bloody history, man has been at war more often than he has been at peace. But even in the most primitive forms of human society, the outlaw has been dealt with severely. While the degree of harshness with which he has been treated may have varied, in no society has he been tolerated. It would be hard to find anyone today, even in the remarkably relaxed moral codes of present American life, who believes that we are willing to tolerate the outlaw among us who now wages an uncontested war of pillage against us - last night - tonight - tomorrow night.

The unfortunate fact, however, is that the lawbreakers among us have taken our indifference and our preoccupation with matters of greater personal importance as clear signs of a public willingness to ignore crime and criminals. And so crime has grown at every level from the senseless violence of the streets to the national crime corporations whose operations are organized in echelons that parallel legitimate business procedures.

Now, however, Americans have discovered that crime has become a threat to that personal existence in which each of us is so involved.

The President's Commission on Law Enforcement and Administration of Justice has spotlighted the conditions that underlie our citizens' new consciousness of the growing threat of crime in our land. They are worth quoting -- and they should be remembered.

> "The existence of crime, the talk about crime, the reports of crime and the fear of crime have eroded the basic quality of life of many Americans. A Commission study conducted in high crime areas of two large cities found that:
>
> > . . .43 percent of the respondents say they stay off the streets at night because of their fear of crime.
> >
> > . . .35 percent say they do not speak to strangers any more because of their fear of crime.
> >
> > . . .21 percent say they use cars and cabs at night because of their fear of crime.
> >
> > . . .20 percent say they would like to move to another neighborhood because of their fear of crime.
>
> "The findings of the Commission's national survey generally support those of the local surveys. One-third of a representative sample of all Americans say it is unsafe to walk alone at night in their neighborhoods. Slightly more than one-third say they keep firearms in the house for protection against criminals. Twenty-eight percent say they keep watchdogs for the same reason."

I am determined to respond to this challenge from beyond the law.

Even before I was sworn in as Governor January 3rd, I had learned that Florida's government had virtually no state wide power to fight crime, to prevent crime or to do an effective job of rehabilitating the convicted offenders who will inevitably again live among us. I could see no reason why the people of this state should have to continue to see this problem ignored during the first months of my administration when the legislature would not be in session to deal with this challenge.

Accordingly, on the day of my inauguration I did my duty as Chief Executive of Florida as I saw it clearly before me. I called for a War on Crime. I called on our citizens to support it with their donations so that it might begin to function effectively. I called on my investigators to wage this war with only an identifcation card granting them the right to ask questions -- but with whole-hearted energy and determination. Our citizens have supported us and we have made an effective beginning in the War on Crime we now are going to equip ourselves to win. We have brought attention and focus to the imperative need for greater action.

The proposed bill I am submitting to you creates a Department of Criminal Justice under the office of the Governor. It has been structured to mobilize our full resources to eradicate crime, to prevent crime and to rehabilitate those who have stopped outside the law but who, with this kind of effective help, can look forward to living good and useful lives.

Why is this Department to be placed under the Governor of Florida? Because it is the Governor who has been constitutionally chosen by the citizens of this state to discharge the executive duties of leadership upon which depend the growth of our state, the security of our people and the orderly existence essential to both. Section 6 of Florida's Constitution clearly directs that, "The Governor shall take care that the Laws be faithfully executed."

One of the basic reasons Florida now lacks state wide crime-fighting powers is because the executive responsibility in our state government has been systematically diffused to the point where productive leadership often finds itself taking second place to personal power struggles and bureaucratic empire building. The Governor is the people's Chief Executive. This is the office to which the people elect him. This is the standard of leadership by which the people measure him. Let us not now cripple our successful assault on crime by weighing it down with politically motivated shackles.

You will find in this proposed bill provisions to give state government the tools it needs to pursue successfully both crime and criminals. This coordinated and cohesive effort will mean detection of crime, apprehension and conviction of criminals and rehabilitation of convicted offenders on a scale that should go far beyond the effectiveness of any previous efforts.

The intent of the Act, carried out in its provisions, is to consolidate basic criminal justice functions by recognizing their sequential and interdependent nature. The central organization thereby created will bring to the war on crime a State Police Force, using as its nucleus the Florida Highway Patrol; a first-rate state-wide investigative force, using as a nucleus the investigative services of the Florida Sheriff's Bureau, and a state wide communications network using the Florida Highway Patrol's communications system as its nucleus.

To these will be added a State Laboratory which will use the Sheriff's Bureau laboratory as its nucleus to develop the necessary scientific procedures and techniques for use in detecting crime and apprehending criminals; a state wide record and statistics system that will correlate and analyze data from every part of Florida to provide uniform and complete crime reporting which will also be of material aid in research into the causes of crime and development of crime prevention activities; and a centralized state wide Identification and Intelligence System relying upon electronic data processing equipment to collect, store, retrieve and disseminate information to serve all criminal justice agencies.

Rehabilitation efforts will be materially expanded and strengthened. Special attention will be given to crime prevention before it occurs through work with juveniles, both delinquent and non-delinquent; maximum efforts must be made to forestall criminal careers - not merely to react after they have become a fact. Youth Service Bureaus will provide counseling services in selected communities throughout the state.

Our present rehabilitation system fails in approximately 7 out of 10 cases. We can no longer in good conscience accept this record. Considering that the 15 to 17 year old age group which represents but 5.4% of our population is, according to the President's Commission on Law Enforcement, responsible for 12.8% of all arrests, it is apparent that we must look to intensify not only our own efforts, but those of such groups as the Boy Scouts and the Big Brother Movement. We must stop crime before it starts.

The adult offender must also be the target of improved and expanded rehabilitation efforts which will use as their nucleus the existing services performed by the Division of Corrections and Parole and Probation Commission. Any individual can slip once from the straight and narrow path, but if he is allowed to slip again because his fellow-men have not helped him, then we must accept a share of his guilt. The life we save may be his, but the society we preserve is our own.

The Act also takes into account the urgent need for improved and more extensive education and training of all criminal justice personnel, including prosecutors and judges. Programs and seminars will be undertaken to assure Florida that those of our citizens who are engaged in these tasks will have the benefit of the most up to date and continuing training. Professionalism and high standards must be our goal.

As an adjunct to the educational services set up in the Act, local police forces will be helped by being able to call for consulting surveys of their own needs, management improvements, and assistance in strengthening the professional level of their training and services. Most important, minimum police standards would be established by a Minimum Standards Council which the Governor would appoint.

Operation of the Department of Criminal Justice would be under a Commissioner appointed by the Governor and responsible to him. Each of the four divisions set forth in the proposed Act would be headed by an Assistant Commissioner to be appointed by the Commissioner. Powers, duties and authorities of appropriate existing state agencies would be transferred to the new department.

The new Department will be funded by the appropriations designated for the operations of departments and agencies being transferred and by the appropriation of $1,500,000 to be used to create and initially administer the Department. When federal funds become available upon the anticipated passage of the "Safe Streets and Crime Control Act of 1967" and the "Juvenile Delinquency Act of 1967" we shall apply for them in accordance with the terms of these bills.

Passage of the proposed Act will encourage our citizens to participate in the effort to prevent and control crime and will result in better trained and more capable criminal justice officials at all levels of government.

The Department of Criminal Justice is the keystone of our program to equip Florida with the means necessary to wage a successful war on crime. But just as crime itself has developed into a complex of illegal activities and organizations, so the means of fighting crime must also employ the wide range of programs and techniques needed to effectively combat this spreading evil.

As the President's Commission stated: "No single formula, no single theory, no single generalization can explain the vast range of behavior called crime." Similarly, no single government response can meet these varied challenges. The flexibility and scope of the proposed Department is our response.

I shall shortly submit to you additional proposed legislation designed to regulate and control wiretapping and all manner of eavesdropping. If, in clearly defined circumstances, these activities are necessary to effectively combat organized crime and official corruption, we do not want to deprive law enforcement authorities of them -- but we must make absolutely sure that any resort to their use is surrounded by the kind of stringent safeguards and clearly set forth procedures to assure that no abuses will result.

The proposed bill will provide these safeguards and will assure that any use of these techniques will be confined to officially constituted law enforcement agencies acting within the bounds of such statutory precautions. It will also provide that no such techniques may be employed by private persons including licensed private detectives, so that the protection of our citizens may be complete against unwarranted and illegal intrusion in their private lives.

We must also find ways and means of assisting and compensating the innocent victims of crimes of violence. No crime-fighting program can effectively enlist the wholehearted support of the citizen without this compassionate and fully justified recognition of the injuries which are daily suffered by crime's victims.

This assistance and compensation is the subject of one of the additional legislative proposals I shall shortly submit to you.

Two additional bills will also be submitted. One will create a Criminal Law Codification and Revision Commission. The duties of this Commission will be to thoroughly review our criminal statutes and suggest to the Governor and the Legislature those revisions which may be required to codify, revise and update our laws to make them fully responsive to the challenge posed by crime and criminals. This may result in an entire revision, such as recently completed in Illinois, New York and Wisconsin.

The second will create a Criminal Justice Coordinating Council to undertake a continuing study of Florida criminal justice administration in all its aspects together with similar surveys of procedures in other states. The President and Attorney General Clark have requested each state to establish such a group and work with federal programs they are developing. This council will assist planning and reform, and involve citizen groups. It will provide the means whereby Florida criminal justice can be assured of being fully capable of meeting changing needs and changing conditions.

> The President's Commission makes a point of stating, "In every state . . . an agency or one or more officials should be specifically responsible for planning improvements in crime prevention and control and encouraging their implementation."

This is exactly what this proposed legislation will do for Florida.

Let us show the people of our state and of our nation that Florida is equal to meeting and defeating the challenge of -- and leading the charge against -- crime. Let us create the means of winning the victory over this evil invader. Let us put Florida first in America's War on Crime.

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Florida Department of Criminal Justice

- COMMISSIONER
  - ASSISTANT COMMISSIONER
    - DIVISION OF LAW ENFORCEMENT
      - STATE POLICE
      - STATE INVESTIGATIVE SERVICES
      - STATE-WIDE COMMUNICATIONS SYSTEM
  - ASSISTANT COMMISSIONER
    - DIVISION OF CRIME ANALYSIS
      - STATE LAB
      - RECORDS & STATISTICS
      - IDENTIFICATION & INTELLIGENCE SYSTEM
  - ASSISTANT COMMISSIONER
    - DIVISION OF REHABILITATION
      - YOUTH SERVICES
        - TRAINING SCHOOLS
        - AFTER CARE
      - ADULT SERVICES
        - INSTITUTIONS
        - PROBATION & PAROLE
  - ASSISTANT COMMISSIONER
    - DIVISION OF EDUCATIONAL SERVICES
      - EDUCATIONAL SEMINARS FOR CRIMINAL JUSTICE PERSONNEL
      - MINIMUM POLICE STANDARDS
      - LOCAL POLICE SERVICES

A bill to be entitled

An act relating to administration of criminal justice; creating a Florida department of criminal justice with divisions thereunder; providing for the powers, duties and functions of the department and division; providing for the appointment, term of office, powers and duties of the commissioner, assistant commissioners, directors and other personnel; providing for the transfer of powers, duties and functions of other state agencies and officials to the department of criminal justice; providing a penalty; providing for an appropriation; providing an effective date.

Be it enacted by the legislature of the state of Florida:

PART I

Section 1. Legislative intent.- The legislature finds and determines as follows: Crime is a state as well as a national problem, the control of which is declared to be a matter in the interest of the public health, safety and welfare. The first responsibility of the state and its local governments is to maintain law and order by protecting the safety and property of their citizens and visitors, and thereby establishing a climate in which all may live and work and prosper and enjoy the benefits of civic order and social justice. The state hereby reasserts its primary responsibility for the functioning of the criminal justice system.

The importance, magnitude and complexity of the task of controlling crime and improving the administration of criminal justice requires a united effort, high and uniform standards, and centralization of responsibility and direction. All agencies of government must cooperate in that effort.

The prevention of crime covers a wide range of activities which includes eliminating those conditions closely associated with crime causation and thereby forestalling criminal conduct. Criminal justice agencies must improve their ability to detect, apprehend, prosecute, judge, sentence, confine and rehabilitate those who commit crimes and thereby minimize potential repetition of crimes by prior offenders.

There must be continuing research into the proolems of crime causation, crime prevention, and the operation of the administration of criminal justice, as well as development of a broad range of approaches with which to deal with convicted offenders.

A system of criminal justice to be efficient must attract adequate numbers of able persons with requisite skills and training and education so as to serve the criminal justice system as police, prosecutors, defense counsel, judges, rehabilitative officers and technical and scientific experts.

Crime control is not a matter for exclusive official concern. To be effective any program must involve all individual citizens and their civic, educational, business, social and fraternal organizations and religious institutions, as well as all levels of government. If crime is to be reduced, all must undertake the responsibility of participating in planning and implementing the strengthening of the administration of criminal justice by all public or private agencies and organizations.

The state shall take all reasonable measures to insure public confidence in and support of the administration of criminal justice throughout this state. For this purpose appropriate information must be made available to the public.

These goals also should be realized in all relevant relationships with the federal government, other states, and local governments not within this state, for they share common problems and objectives, and criminal activity frequently transcends jurisdictional lines.

For these purposes the state should develop and keep current a comprehensive plan, including priorities, regarding the problems of crime control and all aspects of the administration of criminal justice. That plan shall balance the needs of the public, together with the needs and activities of all segments of the criminal justice system and related social programs.

The legislature finds that these vital goals can be assisted by consolidating the state responsibilities and forces of criminal justice in a central state agency to be called the Florida department of criminal justice.

In the creation of this department the legislature recognizes that it will be necessary to lawfully delegate the department such powers as are necessary and in keeping with the intent and purposes of this act. It is declared that the delegation by the legislature of discretion and rule making authority to the department for these limited purposes is not a delegation of the police powers of the state, but rather it is merely a means of enforcing the powers. This act is enacted as an exercise of the police powers of the state in the interest of the public health, safety and welfare of the people of Florida and it should be liberally construed to accomplish this purpose.

Section 2. Short title.- This act may be cited as the Florida department of criminal justice act.

Section 3. Definitions of terms.- The following words and phrases as used in this act, unless the context otherwise requires, shall have the meanings respectively ascribed to them in this section:

(1) "Department" means the Florida department of criminal justice.

(2) "Commissioner" means the chief executive officer of the Florida department of criminal justice.

(3) "Assistant commissioner" is the chief executive officer of a division within the department created under this act.

(4) "Division" means a primary subdivision of the department.

Section 4. Florida department of justice created.- There is hereby established a department of state government which shall be designated as the Florida department of criminal justice. It shall consist of the following divisions:

(1) Division of law enforcement

(2) Division of crime analysis

(3) Division of educational services

(4) Division of rehabilitation.

Section 5. Powers and duties.-

(1) The department shall have all powers necessary to carry out the purposes of this act in accordance with the intent of the legislature.

(2) The department shall be responsible for the planning, development, supervision, coordination and administration of a complete and comprehensive statewide plan and program for the improvement of criminal justice.

The functions of the divisions hereinabove listed shall include but not be limited to: providing for a state-wide police force; providing for a special division of investigation; providing services to local police forces and all criminal justice agencies; establishing minimum recruitment and other standards for law enforcement officers; stimulating development of science and technology and research of all kinds relevant to the purposes of this act; providing for the gathering of statistics, uniform crime reporting, information sharing and computerized intelligence system; providing advisory services, education and training programs for law enforcement, prosecuting correctional officials and courts; providing services for youthful and adult offenders; providing probation, parole and adult and youth facilities.

(3) All powers, duties, obligations, responsibilities and benefits heretofore vested in or to be received or performed by any board, agency, division, commission, bureau, council or official for or to aid in fulfillment of the planning, development, coordination, supervision and administration of any of the services provided herein shall be and are hereby transferred to the department and the title to all property and equipment held by such agency or official is likewise transferred to the department in order that it may completely assume and carry out all responsibilities as provided herein.

(4) All persons employed by any agency or official whose powers, duties and responsibilities are transferred to this department shall be and are hereby transferred to this department and their status as members of any merit system or civil service system shall be preserved; provided, however, that upon the establishment of a civil service system within the department all employees shall be transferred to and placed under such civil service system.

(5) The department by and through the governor and commissioner on behalf of the department or on behalf of any of the divisions created hereunder shall have the following powers: (a) to purchase, receive, hold, lease or otherwise acquire to sell, convey, transfer, lease or otherwise dispose of real and personal property together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof in the performance of its duties and the execution of its powers under the provisions of this act; (b) to employ or contract for specialist services such as scientists, educators, accountants, attorneys, investigators, and other specialists, and to employ or contract for all necessary personnel, including assistant commissioners and directors and to fix their salaries or other compensation; (c) to receive and accept aid or contributions from any source of either money, property or other things of value to be held, used and applied only for the purpose for which such grant and contribution may be made, including grants from any federal agency.

Section 6. Commissioner of department.-

(1) The department of criminal justice shall be headed by a commissioner, appointed by the governor and confirmed by the senate, who shall be qualified through education, training and experience. The commissioner is empowered to take such action as is necessary to fulfill and implement the provisions of this act. The commissioner shall be an ex officio member of all committees and councils established under this act.

(2) The governor shall appoint the commissioner from a list of three candidates submitted by a special selection committee. The selection committee, to be appointed by the governor, shall consist of not more than 15 members representing the general public and fields related to the administration of criminal justice.

(3) The commissioner shall serve at the pleasure of the governor appointing him, except that he shall hold office until his successor is appointed. He shall receive such salary as may be provided by law. He may be removed from office by the governor, for good cause shown, after a public hearing and due notice and an opportunity to be heard.

Section 7. Assistant commissioners.- The commissioner shall appoint an assistant commissioner for each of the divisions

hereinabove set forth, subject, however, to the approval of the governor. Each of the assistant commissioners shall serve at the pleasure of the commissioner. The assistant commissioners shall exercise supervision over the divisions under their control and of the programs and services now existing or hereinafter acquired or created under the jurisdiction of their division. The assistant commissioners shall be responsible to the commissioner for the planning, development and coordination of the objectives and programs of their respective divisions. The assistant commissioners, with the approval of the governor, may appoint directors to assist them in the performance of any of the services and functions provided for herein.

The assistant commissioners shall receive such salary as may be provided by law and may be removed from office by the commissioner after a public hearing and due notice and an opportunity to be heard.

Section 8. Rules and regulations.- The commissioner, with the approval of the governor, is authorized to adopt and from time to time revise such rules and regulations, orders and policies as he deems necessary to carry into effect the provisions, mechanics and procedures of this act in keeping with the provisions of this act and the legislative delegation of administrative authority and discretion to implement and interpret and administer the intent and purposes of this act. All existing rules and regulations of all agencies encompassed by this act shall remain in full force and effect until otherwise amended, revised or repealed by the commissioner; except that any rules in conflict with the provisions of this act shall be inoperative.

Section 9. Advisory committees.-

(1) The governor is authorized to appoint such committees as may be necessary or desirable to advise and assist him in the creation, planning, evaluation, preparation, administration, coordination, supervision, direction and control of any of the services and functions performed under this act, as well as with respect to his general responsibilities to insure the faithful execution of the laws of this state.

(2) A permanent advisory committee shall be appointed to conduct a systematic and continuing study of the statutory and common law relating to any of the services provided in this act for the purpose of improving or removing inconsistencies between provisions of this act and existing

statutory law; and to prepare and submit to the regular session of the legislature a revisor's bill for the amending, consolidation, revision, repeal or other alteration or change in any general statute relating to the provisions of this act, in an effort to achieve an efficient transfer of all services and functions to the department created by this act.

(3) Members of any advisory committee or council created by this act shall serve without pay but shall be paid for travel expenses and per diem expenses incurred in attending committee meetings as provided in section 112.061, Florida Statutes.

Section 10. Cooperation by other agencies and personnel.- All personnel or facilities of the state and all local governments shall be made available to the department upon request of the governor to assit in the creation, planning, evaluation, preparation, administration, coordination, supervision, direction and control of any of the services and functions provided in this act.

Section 11. Records of department, division.- All records of the department or division shall be considered confidential documents and shall be open to inspection only in accordance with the rules and regulations adopted hereunder. It shall be unlawful except in accordance with established rules and regulations for any person to solicit, disclose, receive or take out of or authorize or knowingly permit, participate in or acquiesce in the use of any information derived from the records, people, files or communications of the department or division in the course of the performance of its duties. Any violation of this provision is hereby declared to be a misdemeanor and shall be punished accordingly.

Section 12. Transfer.- In order to facilitate the creation of the divisions heretofore and hereinafter referred to the services performed and heretofore vested in the following enumerated agencies and offices are hereby transferred and assigned accordingly:

(1) All powers, duties and authorities heretofore vested in the division of Florida highway patrol and division of state motor vehicle licenses shall be and are hereby transferred and assigned to the division of state police. Wherever the terms "department of public safety" or "division of Florida highway patrol" or "division of state motor vehicle licenses" are used in chapters 321 and 322, Florida Statutes, they shall be construed as meaning the division of law enforcement: and wherever the words "board" or

"executive board" are used in chapters 321 and 322, Florida Statutes, they shall be construed to mean the commissioner or his designated assistant. All applicable records, statistics, and any existing communication system shall be transferred to the appropriate division created by this act.

(2) All powers, duties and authorities heretofore vested in the Florida sheriff's bureau including but not limited to crime analysis, law enforcement, investigation, intelligence, records, research, publications, communications, training and education, are hereby transferred to the appropriate division created by this act.

(3) All powers, duties and authorities heretofore vested in the division of child training schools shall be and are hereby transferred and assigned to the division of youth services. In order to further facilitate the transfer of these functions, wherever the words "board of commissioners of state institutions" and "division of child training schools" are used in chapters 955, 956, 958 and 965, Florida Statutes, they shall be construed as meaning the Florida department of criminal justice of the state. Any such functions which are transferred to the department may be delegated to the appropriate division as deemed necessary and appropriate to facilitate the efficient administration of the services contemplated hereunder.

(4) All powers, duties and authorities heretofore vested in the Florida probation and parole commission are hereby transferred and assigned to the division of adult services. In order to further facilitate the transfer of these functions, wherever the words "board of commissioners of state institutions" and "probation and parole commission" are used in chapters 947, 948 and 949, Florida Statutes, it shall mean the Florida department of criminal justice; provided, however, that any of the functions which have been transferred to the department may be delegated by the department to the division of adult services as deemed necessary and appropriate to facilitate the efficient transfer of the services as contemplated hereunder. Wherever the word "chairman"appears in chapters 947, 948 and 949, Florida Statutes, it shall mean the director of the division of adult services. Any of the provisions of chapters 947, 948 and 949, Florida Statutes, relating to parole and probation which are not in conflict with the creation of the division of adult services shall continue in full force and effect.

(5) All powers, duties and authorities heretofore vested in the division of corrections are hereby transferred and assigned to the division of adult services. In order to further facilitate the transfer of these functions, wherever the words "board of commissioners of state institutions" are used in chapters 944 and 945, Florida Statutes, it shall mean the Florida department of criminal justice and wherever the words "division of corrections" are used it shall mean the division of adult services and wherever the word "director" is used it shall mean the director of adult services.

(6) All powers, duties and authorities, personnel and equipment heretofore vested in the state board of health with respect to the enforcement of the uniform narcotic drug law shall be and are hereby transferred to the division of law enforcement.

PART II

DIVISION OF LAW ENFORCEMENT

Section 13. Division of law enforcement.- The responsibility of this division shall include but not be limited to providing a police and investigative service with state-wide law enforcement, arrest and investigative powers in connection with the violation of any of the criminal laws of this state, and to establish a state-wide law enforcement communication system.

(1) STATE POLICE; CREATION, POWERS AND DUTIES.- There is hereby created within the division a state police force, whose members are hereby declared to be peace officers of the state. The members of the state police shall be subject to the call of the governor. They shall have state-wide authority and shall exercise the same powers and authorities as conferred upon sheriffs, police officers and constables. They shall have power to prevent crime, to pursue and apprehend offenders and to obtain legal evidence necessary to insure the conviction of such offenders in the courts. They shall have power to execute any lawful warrant or order of arrest issued against any person, and to make arrests without warrant for violations of the law committed in their presence, and for felonies committed, the same as are or may be authorized by law for other peace officers. They may cooperate with any federal agency or any state department of any state or local authority engaged in detecting crime, apprehending criminals and preserving law and order; but the state police shall not be used as a posse in any municipality except upon order of the governor.

(2) STATE-WIDE COMMUNICATION SYSTEM.- The department may establish a state-wide coordinated police communication system for the purpose of promot collection and distribution of information throughout the state as the police problems of the state may require.

(3) INVESTIGATIVE DIVISION.- There is hereby created within the division a special investigative force for the purpose of preventing, investigating and detecting the violation of criminal laws of the state and conducting such other investigations as directed by the governor. They shall be peace officers of the state and shall have the same powers and duties as members of the state police force.

PART III

DIVISION OF CRIME ANALYSIS

Section 14. Division of crime analysis.- The responsibility of this division shall include but not be limited to assisting criminal justice agencies in their activities and knowledge and techniques to prevent and detect criminal activities and obtain evidence of crime; applying scientific and technical knowledge and techniques to those purposes, including but not limited to operation of a state criminalistics laboratory; collecting and correlating information regarding all aspects of criminal justice administration; establishing and maintaining a statewide records, identification and intelligence system, including a uniform reporting system; undertaking research studies into crime causation and crime prevention and all related matters; establishing an information sharing system for utilization by all criminal justice agencies in Florida.

(1) CRIME LABORATORY: POWERS AND DUTIES.- There is hereby created within the division a crime laboratory in order to provide technical assistance in the various fields of scientific investigation in the area of law enforcement. The laboratory shall maintain services for the preservation and scientific analysis of evidence material to the investigation and prosecution of crimes including but not limited to such fields as ballistics, chemistry, handwriting comparisons, metallurgy, comparative micrography, lie detection or deception, test operation, fingerprint, toxocology and pathology.

(2) RECORDS AND STATISTICS.- There is hereby created within the division a state-wide system for the collection and correlation of criminal records, reports and statistics. All law enforcement agencies, prosecuting agencies, or parole, probation and custodial agencies, and all courts, officers and officials thereof, shall furnish the necessary statistical data and other information as may be from time to time required. Scientific studies and analysis shall be made of the information so collected. Specific research studies into juvenile delinquency, crime causation and crime prevention shall also be undertaken. The results of such studies and reports shall be transmitted to the governor and legislature annualy, or more often as required by applicable

rules and regulations.

(3) INTELLIGENCE AND IDENTIFICATION SYSTEM.- There is hereby created within the division a computerized intelligence and identification system to facilitate systematic information sharing among the agencies of criminal justice in this state. A plan shall be developed and implemented whereby information systems maintained by each of the state and local agencies of criminal justice may be correlated with the central state system provided by this act, through the application of electronic data processing techniques.

PART IV

DIVISION OF REHABILITION

Section 15. Division of rehabilitation.- The responsibility of this division shall include but not be limited to: supervising, administering, coordinating and directing the correctional and rehabilitation facilities and programs of the state and its local governments, toward the objective of successful re-establishment in society of all youth and adult offenders.

(1) DIVISION OF YOUTH SERVICES.- There is hereby created within the division of rehabilitation a division of youth services which shall exercise executive and administrative supervision over all state-owned facilities for the detention, training, care, treatment and after-care supervision of juvenile delinquents committed to them. It shall be responsible for the planning, development and coordination of a state-wide youth services program designed to train and rehabilitate in order that the increase in juvenile delinquency may be retarded.

(2) SUPERVISION OF YOUTH INSTITUTIONS.- The division of youth services shall have supervisory care, custody and control of children committed to the correctional institutions listed below and of the grounds, buildings and other facilities and properties of said institutions:

(a) Florida state industrial school for boys at Marianna which shall hereafter be named and known as the Florida school for boys at Marianna;

(b) Florida state industrial school for boys at Okeechobee, which shall hereafter be named and known as the Florida school for boys at Okeechobee;

(c) Florida state industrial school for girls at Ocala which shall hereafer be named and known as the Florida school for girls at Ocala;

(d) Florida state industrial school for girls at Forest Hill, which shall hereafter be named and known as the Florida school for girls at Forest Hill;

(e) Other training schools that may be established by law.

(3) DIRECTOR OF DIVISION. -

(a) The assistant commissioner shall appoint the director of the division who shall be responsible for the implementation of the law relating to youth services and for the coordination of the efforts of the division with those of the federal government and other state departments and agencies, county governments, municipal governments, private agencies concerned with and providing youth services. In accordance with applicable rules and regulations the director shall be responsible for establishing standards, providing technical assistance, and exercising the requisite supervision as it relates to youth service programs of all state supported juvenile correctional institutions.

(b) The director of the division of youth services is authorized to appoint a deputy director of the division who shall be responsible to the director.

(c) The director shall create and organize within the division a department of community services. Said department shall:

1. Provide consultation services to juvenile courts;

2. Stimulate community programs relating to delinquency prevention and control;

3. Maintain liaison with division of adult services;

4. Provide consultation services and technical assistance to law enforcement agencies;

5. Coordinate programs with the advisory committee to director.

(d) The directors authorized to hire a supervisor of the department of community services.

(e) 1. The director may hire consultants to advise and confer with judges of the juvenile courts upon request of any such court.

2. Any person hired as a consultant under subparagraph 1 shall be a graduate of an accredited college or university with specialization in social studies, corrections or

related subjects and have at least three years' experience in juvenile court work.

(f) The division may contract with other state agencies and with county and municipal governments in carrying out the purposes of this act.

(g) The director of the division with the approval of the assistant commissioner is authorized to make grants to state institutions of higher learning to assist in accomplishing the purposes of this act.

(h) The director shall make an annual report to the governor and the legislature reflecting the activities of the division and recommendations for improving the services to be performed by the division.

(4) ADVISORY COMMITTEE TO THE DIRECTOR OF DIVISION OF YOUTH SERVICES.-

(a) An advisory committee to the director of the division of youth services is created to consist of:

1. Two juvenile court judges, one from a county judge's court with juvenile duties and one from a separate juvenile court nominated by the Florida council of juvenile court judges.

2. One member of the house of representatives, nominated by the speaker of the house of representatives.

3. One member of the senate, nominated by the president of the senate.

4. One law enforcement officer, nominated by the Florida peace officers association.

5. One representative nominated by the director of the state department of public welfare.

6. One member nominated by the state school superintendent from the state department of education.

7. Two members from the public at large.

(b) All members shall be appointed by the governor

for terms of four years; provided, however, the nine members heretofore appointed and serving on the effective date of this act shall contine to serve until tne expiration of the terms for which appointed or until a successor is selected. The members of the committee herein created shall be appointed to fill terms expiring after the effective date of this act in the numerical order in which listed above. The committee shall meet at least four times a year and at such additional time as a meeting shall be called by the director or by a majority of the committee.

(5) RETURN TO SCHOOL OF FURLOUGHED CHILD: DISCHARGE FROM SCHOOL: HEARINGS.- If the conduct of the boy or girl on furlough is such as to make it appear that further training at the school would be wise, the furlough may be terminated by the director upon a written report by the after-care counselor. All such actions shall be reviewed by the advisory committee and the assistant commissioner. Upon a request of the boy or girl whose furlough is terminated, his parent or guardian, a hearing will be given him within thirty days of the date of the termination in the county to which he has been furloughed, by the judge of the juvenile court of the county to which he has been furloughed. This committee with the concurrence of the assistant commissioner is empowered to refuse the action terminating the furlough by a majority vote. If a child is on furlough for one year he may, as a matter of right, apply to the director for discharge from the school. If his application is refused, he will be entitled to a hearing on the application within thirty days of the date it is mailed to the director, in the county to which he has been furloughed, before a committee consisting of the director of the local after-care supervisor, one member of the advisory committee designated by the director and the juvenile court judge of the county to which he has been furloughed. This committee is empowered to grant the application for discharge by a majority vote and to discharge the child from the school with the concurrence of the assistant commissioner.

(6) DIVISION OF YOUTH SERVICES AFTER-CARE PROGRAM.- In order that children might be more quickly returned from the Florida schools for boys and the Florida schools for girls and the benefits of their training more carefully preserved, the director of the

division of youth services, hereinafter referred to as the director, shall establish a program to provide for advance planning for the return of children committed to the Florida schools for boys and the Florida schools for girls and for their supervision after their return. This program shall hereinafter be referred to as the after-care program.

(7) YOUTH SERVICES AGENCY.- The assistant commissioner of the division of youth services may recommend to the governor and the commissioner the establishment of agencies throughout the state that provide easily accessible information, guidance and services for youth. These agencies may act as central coordinators of all community services for young people. Such agencies shall serve both delinquent and non-delinquent youths and may receive referrals from parents, school officials and other local community agencies on a voluntary basis provided, however, that such agencies shall accept all referrals by juvenile court and police if, after study, such agency believes certain youths are unlikely to benefit from such service the agency shall submit a report to the referral source. Such agency shall provide services to youths which shall include group and individual counsel, placements in foster homes, work in recreational programs, employment counseling and special education.

(8) DIVISION OF ADULT SERVICES.- There is hereby created within the division of rehabilitation a division of adult services which shall exercise executive and administrative supervision over all state-owned facilities for the detention, training, care, treatment and after-care supervision of adult offenders committed to them. It shall be responsible for the planning, development and coordination of a state-wide adult services program designed to train and rehabilitate adult offenders.

(9) SUPERVISION OF ADULT INSTITUTIONS.- The division of adult services shall have supervisory care, custody and control of adults committed to the correctional institutions listed below and of the grounds, buildings and other facilities and properties of said institutions:

(a) Apalachee correctional institution;

(b) Florida correctional institution;

(c) Glades correctional institution;

(d) Florida state prison;

(e) State road prisons.

(f) Sumter county branch state prison;

(g) Dixie county branch state prison;

(h) Other facilities that may be established by law.

(10) DIRECTOR OF DIVISION.-

(a) The assistant commissioner shall appoint the director of the division who shall be responsible for the implementation of the law relating to adult services and for the coordination of the efforts of the division with those of the federal government and other state departments and agencies, county governments, municipal governments, private agencies concerned with and providing adult services. In accordance with the applicable rules and regulations the director shall be responsible for establishing standards, providing technical assistance, and exercising the requisite supervision as it relates to adult service programs of all state supported correctional institutions. In addition, the director shall prescribe standards and requirements with reference to county and minicipal detention facilities including but not limited to construction, equipment, maintenance, operation, cleanliness and sanitation, housing, quality and quantity of food supplies, medical attention, comfort matters and disciplinary treatment related thereto. Appropriate rules and regulations shall be adopted to enforce such standards and requirements including but not limited to the transfer of prisoners from such detention facilities.

(b) The director of the division of adult services is authorized to appoint a deputy director of the division who shall be responsible to the director.

(c) The director shall create and organize within the division a department of community services, and is authorized to hire a supervisor for said department. Said department shall: provide consultation services to criminal courts; stimulate community pro-

grams relating to crime prevention and control; maintain liaison with division of youth services; provide consultation services and technical assistance to law enforcement agencies.

(d) The director of the community services department may hire consultants to advise and to confer with judges of criminal courts upon request of any such court. Any person hired as a consultant shall be a graduate of an accredited college or university with specialization in social studies, corrections or related subjects and have at least three years' experience in probation and parole work.

(e) The division may contract with other state agencies and with county and municipal governments in carrying out the purposes of this act.

(f) The director of the division with the approval of the assistant commissioner is authorized to make grants to state institutions of higher learning to assist in accomplishing the purposes of this act.

(g) The director shall make an annual report to the government and the legislature reflecting the activities of the division and recommendations for improving the services to be performed by the division.

(11) ADVISORY COMMITTEE TO THE DIRECTOR OF DIVISION OF ADULT SERVICES.-

(a) At the request of the director an advisory committee to the director of the division of adult services may be created to consist of:

1. Two criminal court judges, one from a circuit court and one from a criminal court of record.

2. One member of the house of representatives, nominated by the speaker of the house of representatives.

3. One member of the senate, nominated by the president of the senate.

4. One law enforcement officer, nominated by the Florida peace officers association.

5. One representative nominated by the director of the state department of public welfare.

6. One member nominated by the state school superintendent from the state department of education.

7. Four members from the public at large, one of whom shall be a graduate of an accredited college or university with a degree in social welfare or psychology and one of whom shall be a graduate of an accredited college or university with at least three years' experience in the probation and parole field.

(b) The committee shall meet at least four times a year and at such additional times as a meeting shall be called by the director or by a majority of the committee.

(c) The commissioner shall consult with the division director and shall make recommendations to the assistant commissioner in connection with the administration of the divisions' programs.

(12) DIVISION OF ADULT SERVICES --PROBATION AND PAROLE PROGRAM.- The director shall establish, coordinate and supervise a parole and probation program for the rehabilitation and return of adult offenders committed to the penal institutions and for their supervision after their release.

PART V

DIVISION OF EDUCATIONAL SERVICES

Section 16. Division of educational services.- The responsibility of this division shall include but not be limited to, providing education and legal services to the personnel in all criminal justice agencies, establishing minimum standards for law enforcement officers; providing research, consultive, advisory and other services, manuals, devices and aids for all criminal justice agencies that will assist and make more professional their activities in fulfillment of all objectives set forth in this act, including legal analyses of current criminal law developments and reforms.

(1) CREATION; POWERS AND DUTIES.- There is hereby created within the Florida department of criminal justice a division of educational services to perform the following functions:

(a) Planning, conducting and coordinating, educational and in-service training programs for judges, courts, correctional and rehabilitation officials, police officials, prosecutors and defense counsels, civic and service organizations, for the purpose of improving administration of criminal justice in this state. The subject matter of such programs for all criminal justice agencies, including the courts, may embrace management and administrative techniques, recent developments in criminal law, rules of procedure and evidence, record keeping, probation and parole, bail reform systems for the assignment of defense counsel to indigents, rehabilitation programs of all types, sentencing institutes for judges, community-based youth service bureaus and such other subject matter as shall be determined by the head of the division to be beneficial to the strength, effectiveness and fairness of criminal justice programs in the state, in accordance with the rules and regulations established by the department.

(b) To advise the prosecuting attorneys in matters relating to the duties of their offices; maintaining a general supervision of prosecuting attorneys with a view toward obtaining an effective and uniform enforcement of the criminal laws throughout the state.

(c) The director may from time to time as often as may be required, call conferences with any of the officials or agencies mentioned above for the purpose of improving the administration of criminal justice in the state. The director is further authorized and empowered to make studies and reports of operating procedures and methods of all criminal justice officials and agencies within the state. The director upon completion of each such study or survey, shall forward his report of such study and survey, together with his recommendations, to the governor and the commissioner.

(2) LOCAL POLICE SERVICES.- The division shall provide services to any police agency or department of any county or city having responsibility for enforcing the criminal laws of this state. In furtherance of the foregoing the division shall exercise the following powers and duties in accordance with the rules and regulations established by the department.

(a) To make surveys of personnel, facilities, and equipment of police agencies.

(b) To make reports based on its surveys together with recommendations for the improvement of police agencies and police procedures.

(c) To conduct studies and analyses of the administration or operations of any police agency, when requested by the head of such agency, and to make the results thereof available for the benefit of such agency.

(d) To collect, compile and disseminate current information regarding crime prevention and general developments in the field of criminal law, police administration and operations.

(e) To refer police agencies to appropriate departments and agencies of the state and federal governments for advice, assistance and available services.

(3) MINIMUM STANDARDS: POLICE OFFICERS.- For the purposes of this act the words "police officer" shall mean any person employed by any law enforcement agency of the state, county or municipality whose primary responsibility is the prevention or detection of crime and the enforcement of penal, traffic or highway laws of this state.

(4) MINIMUM STANDARDS COUNCIL.- There is hereby created within the division of educational services a standards council whose function shall be to promote uniform police training by establishing minimum basic training standards and to promote uniformity in compensation for police officers.

(5) MEMBERSHIP.-

(a) The council shall be composed of nine members consisting of the attorney general, the superintendent of public instruction, the assistant commissioner of the division of law enforcement and six members to be appointed by the governor consisting of: two sheriffs from a list of four nominees submitted by the Florida Sheriffs association; two chiefs of police, from a list of four nominees submitted by the Florida chiefs of police association; one representative from a list of at least three nominees submitted by the Florida league of minicipalities; one representative from a list of three nominees submitted by the state association of county commissioners.

(b) Except for the attorney general, the superintendent of public instruction, and the assistant commissioner, members appointed by the governor shall be appointed for terms of four years except that in the first appointments under this law, two members for three years and two members for four years, and the terms of such members shall be designated by the governor at the time of appointment. No appointive member shall serve beyond the time he ceases to hold office or employment by reason of which he was eligible for appointment to the council. Any member appointed to fill a vacancy because of death, resignation, uneligibility for membership shall serve only for the enexpired term of his predecessor or until a successor is appointed and qualifies.

(c) The governor is making these appointments shall take into consideration such factors as geography, population and any other relevant factors to give representation to the state at large.

(d) Membership on the council shall not disqualify a member from holding any other public office or being employed by a public entity except that no member of the legislature shall serve on the council. The legislature

finds that the council serves a state, county and municipal purpose and that service on the council is consistent with a member's principal service in a public office or employment.

(e) The assistant commissioner shall serve as chairman of the council.

(6) ORGANIZATION; MEETINGS.-

(a) As soon as possible after the effective date of this act the governor shall appoint the six members required by this act to be appointed. Thirty days after such appointments have been made, the council shall hold its first meeting. The council shall at this time and annually thereafter elect its vice-chairman.

(b) The council shall hold at least four regular meetings each year at the call of the chairman and shall meet at any time upon the written request of the governor or any three members of the council. A majority of the members of the council constitutes a quorum.

(7) COMPENSATION.- Members of the council shall serve without compensation but shall be entitled to be reimbursed for per diem and traveling expenses as provided by section 112.061, Florida Statutes.

(8) ANNUAL REPORT.- The council shall make an annual report of its activities to the governor and to the legislature.

(9) GENERAL POWERS OF THE COUNCIL.- The council is authorized to:

(a) Make recommendations to the governor in fulfillment of the purposes of this act.

(b) Promulgate rules and regulations for the administration of this act, pursuant to chapter 120, Florida Statutes, and subject to approval by the governor.

(c) Employ a director and such other personnel as may be necessary in the performance of its functions, subject to the approval of the assistant commissioner.

(d) Provide rules and procedures for its internal management and control.

(e) Enter into contracts or do such things as may be necessary and incidental to the administration of its authority pursuant to this act.

(10) SPECIAL POWERS; OFFICER TRAINING.- The council shall have the following special powers in connection with the employment and training of police officers:

(a) Establish mandatory uniform minimum standards for the employment and training of police officers, including qualifications and requirements as may be established by the council subject to specific provisions which are contained in this act.

(b) Establish minimum curriculum requirements for schools operated by or for any municipality, the state of Florida or any political subdivision thereof for the specific purpose of training police officers.

(c) Consult and cooperate with municipalities, the state of Florida or any political subdivision thereof and with universities, colleges, junior colleges and other educational institutions concerning the development of law enforcement training schools and programs or courses of instruction, including but not necessarily limited to, education and training in the areas of police science, criminalistics, police administration and all allied and supporting fields.

(d) Approve institutions and facilities for school operation by or for any municipality, the state or any political subdivision thereof for the specific purpose of training police officers.

(e) Issue certificates of competency to persons who, by reason of experience and completion of in-service, advanced education or specialized training, are especially qualified for particular aspects of classes of police work.

(f) Make or encourage studies on any aspect of police education and training or recruitment.

(g) Make recommendations concerning any matter within its purview pursuant to this act.

(11) POLICE OFFICERS, QUALIFICATIONS FOR EMPLOYMENT.- After the effective date of this act

any person employed as a police officer shall:

(a) Be at least twenty-one and no more than thirty years of age;

(b) Be a citizen of the United States;

(c) Be a high school graduate or its "equivalent", as the term may be determined by the council.

(d) Not have been convicted of a felony or of a misdemeanor involving "moral turpitude" as the term is defined by law.

(e) Have his fingerprints on file with the council or an agency designated by the council.

(f) Have passed an examination by a licensed physician based on specifications established by the council, and

(g) Have received a certificate from the council evidencing successful completion of all mandatory training requirements established pursuant to this act.

No person may receive an original appointment on a permanent basis unless he has been certified as satisfactorily completing the approved basic training program and every person who is appointed on a temporary basis or for a probationary term must complete his training within the prescribed time. Any person receiving an appointment contrary to the provisions of this act shall be prohibited from exercising any of the powers and authorities of police officers.

(12) TRAINING PROGRAM ESTABLISHED.-

(a) The council shall establish and maintain a training program with such curriculum and administered by such agencies and institutions as it approves and shall issue a certificate of completion to any person satisfactorily completing the training program established.

(b) The council shall issue a certificate of compliance to any person satisfactorily complying with the training program established in paragraph (a) of this subsection and the qualifications for employment in subsection 11 of this act and no person shall be employed

as a police officer by any employing agency until he has obtained such certificate of compliance.

(13) PAYMENT OF TUITION BY EMPLOYING AGENCY.- An employing municipality, state agency, or political subdivision of the state of Florida is authorized to pay any or all costs of living conditions, travel and tuition of trainees in attendance at approved training programs.

(14) IN-SERVICE TRAINING AND PROMOTION; PARTICIPATION, GRANTS.-

(a) The council, by rules and regulations, shall prescribe curricula and standards for advanced and specialized training courses and training in addition to those prescribed in subsections 11 and 12. In the discretion of the council, standards may be established as necessary qualifications for promotion.

(b) Law enforcement agencies shall adhere to the standards and procedures established by the council.

(15) FINANCING OF COUNCIL.- The council, through the department, may accept for any of its purposes and functions under this act any and all donations of property, real, personal or mixed, and grants of money from any governmental unit or public agency, including the federal government, or from any institution, person, firm or corporation.

(16) SALARY SCALE STUDY; REPORT, RECOMMENDATION.- At least once each year, the council shall make a comprehensive study of the compensation paid to police officers throughout the state. Among the items to be researched shall be salary levels and variations, education and training of officers, retirement and pension programs and any other factors on which compensation is based. The council shall report its findings to each regular session of the legislature and make recommendations for achieving uniformity in compensation for police officers with equal or comparable responsibilities, experience, education and training.

(17) All police officers employed on the effective date of this act shall not be required to meet the provisions of subsection 11, paragraph (a) of subsection 13, as a condition of tenure or continued employment; nor

shall their failure to fulfill such requirements make them ineligible for any promotional examination for which they are otherwise eligible.

(18) Nothing herein shall be construed to preclude an employing agency from establishing qualifications and standards for hiring, training or promoting police officers that exceed the minimum set by the council.

Section 17. A sum of one million five hundred thousand dollars ($1,500,000.00) is appropriated from the general revenue fund for the purpose of carrying out the provisions of this act. In addition all unexpended balances of appropriations or reappropriations of monies heretofore made or allocated, or to be made or allocated, to any of the agencies or officials whose powers, duties, functions, personnel and equipment are transferred to the department, whether such funds be obligated or unobligated, are hereby transferred and made available to the department created by this act. All liabilities incurred by such other agency and officials but unpaid prior to the effective date of this act, shall be assumed and paid by the department created by this act.

Section 18. The provisions of this act shall be liberally construed in order to effectively carry out the purposes of this act in the interest of the public health, safety and welfare.

Section 19. In the event of any conflict between the provisions of this act or the provisions of any other act, the provisions of this act shall control.

Section 20. It is declared to be the legislative intent that, if any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 21. This act shall take effect July 1, 1967.

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